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EXAMINER

VIZVARY, GERALD C

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/777,219	Applicant(s) WINBOM, HAKAN	
	Examiner GERALD C. VIZVARY	Art Unit 3684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/4/2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4-9 and 11-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4-9 and 11-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/18/2010</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In the amendment filed 8/4/2010, the following has occurred:
 - a. Claims 1, 2, 4, 5, 7-9, 12, 13, 16, 19, 20 & 23 have been amended.
 - b. Claims 3, 6, 10 & 24-29 have been canceled.

Now, claims 1, 2, 4, 5, 6-9 & 11-23 are presented for examination.

Claim Rejections - 35 USC § 101

2. Following Applicant's amendment the rejection of claim 9 under 35 USC § 101 is hereby withdrawn.

Response to Arguments

3. In the remarks filed on 8/4/2020, Applicant argues that
 - (1) Wang says nothing about trading securities, market makers, traders, quotes from market makers, or orders from traders.
 - (2) Kramer (US 5,038,284) fails to teach or disclose that the posted transaction includes information received from market makers and traders, said information comprising quotes from market makers and orders from traders for one or more instruments and identification of quotes from market makers and orders for one or more instruments.
 - (3) There is nothing in Wang US 6,587,970 B1 about creating deals.
 - (4) Wang does not teach or disclose transmitting from the primary site computer to the secondary site computer replicas of the orders and the deals, but not

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transmitting from the primary site to the secondary site computer replicas of each of the quotes.

In response to **(1) & (3)** Wang US 6,587,970 B1 recites "According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting." (Wang US 6,587,970 B1 col. 3, lines 23-32) examiner notes that trading securities, market makers, traders, quotes from market makers, or orders from traders as well as creating deals are included in "performing electronic commerce" .

In response to **(2)**, Kramer (US 5,038,284) recites "Keys 55 and 56 inform the PTS 298 that the transaction being entered is either a purchase or a sale. Keys 57 and 58 provide the means to report to the public bid or ask quotes in addition to actual trade prices and volume. Keys 59-62 offer flexibility and speed in entering prices. "As the trading session begins, traders execute transactions with each other and report them to the host via their PTS. For example, if trader ABC buys 15 SPH at a price of 250.25 from trader XYZ at 8:35:18 AM on Jan. 5, 1988, each will make the following entries which appear on their transaction

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display screens (TDS): When each trader depresses his ENTER key, the message is sent to the host and processed as illustrated in FIG. 2. Data is recorded in files in a random access memory (RAM) and on a disk including the time of the trade as it was time stamped (i.e., marked) by the PTS, the time received by the host, and the automatically incremented transaction number (T#) which is specific to each trader's activity for the day." (Kramer US 5,038,284 col. 12, lines 3-21)

In response to Applicant's argument **(4)** Wang US 6,587,970 B1 recites "In other embodiments, only portions of the data of the primary host computer 110 are replicated" (Wang US 6,587,970 B1 col. 17, lines 5-7) thereby including the possibility of "replicas of the orders and the deals, but not transmitting from the primary site to the secondary site computer replicas of each of the quotes"

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 19 & 23 are rejected under 35 USC § 112 2nd paragraph. The terms "processed against background information" not defined by the claim and the specification does not provide a standard for ascertaining the meaning and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention or if at the time the application was filed, had possession of the claimed

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invention. What does it mean to process an order “against background information? The rejection is therefore maintained.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4, 5, 6-9 & 11-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang US 6,587,970 B1 in view of Kramer US 5,038,284.

As per claim 1 (currently amended) Wang US 6,587,970 B1 discloses a method for trading in securities, the trading being carried out at a primary site that includes a primary site computer according to information received from market makers and traders, said information comprising quotes from market makers and orders from traders for one or more instruments (“According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of

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detecting.” Wang US 6,587,970 B1 col. 3, lines 23-32), wherein the primary computer is arranged to communicate over a communications link with a secondary site computer located at a secondary site different from the primary site (“However, the use of the configurable parameters of the primary host computer 110 by the secondary host computer 120 may prevent access to the secondary host computer 120. This is because the primary and secondary host computers 110, 120 are located in different networks, and most bridges or routers filter or forward packets according to their destination IP or other network address.” Wang US 6,587,970 B1 col. 20, lines 39-45), the method comprising: using said information to create deals in said instruments “According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32), said deals also being stored at the primary site computer (“After shutting down the primary host computer 110 at step 220, the site failover routine proceeds to step 230, wherein the data of the primary host computer 110 is replicated or copied to another storage device 135 of the storage system that can be accessed by the secondary host computer 120.” Wang US 6,587,970 B1 col. 41, lines 11-22); and

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transmitting from the primary site computer to the secondary site computer replicas of the orders and the deals, but not transmitting from the primary site computer to the secondary site computer replicas of each of the quotes. (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7)

Wang US 6,587,970 B1 fails to explicitly teach receiving and storing of said information at the primary site computer.

Kramer US 5,038,284 teaches “The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212.” Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

As per claim 2 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a method of claim 1.

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Wang US 6,587,970 B1 further discloses the step of storing at the secondary site computer replicas only of orders which have not yet resulted in deals. (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7)

3. Canceled.

As per claim 4 (currently amended) Wang US 6,587,970 B1 discloses an automated system for trading in securities, said system comprising:

receive information from market makers and traders, said information comprising quotes from market makers and orders from traders for at least one instrument

(“According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” Wang US 6,587,970 B1 col. 3, lines 23-32);

create deals using said received information and store said deals in the memory at the primary site “According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of

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hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32), and

transmit from the primary site computer to a secondary site computer located at a secondary site physically separate from the primary site replicas of the orders and the deals, but not transmit from the primary site computer to the secondary site computer replicas of each of the quotes. (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7)

Wang US 6,587,970 B1 fails to explicitly teach storing said information in memory at the primary site associated with the primary site computer

Kramer US 5,038,284 teaches “The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212.” Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to

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expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

As per claim 5 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a system of claim 4.

Wang US 6,587,970 B1 further discloses the secondary site including the secondary site computer, wherein the secondary site computer is programmed to store replicas of the deals created at the primary site in a memory at the secondary site associated with the secondary site computer and store replicas only of orders which have not yet resulted in deals. ("In other embodiments, only portions of the data of the primary host computer 110 are replicated" Wang US 6,587,970 B1 col. 17, lines 5-7)

6. Canceled.

As per claim 7 (currently amended) Wang US 6,587,970 B1 discloses a method for use in the automated trading of securities, the trading being carried out using a primary site computer located at a primary site according to information received from market makers and traders, said information comprising quotes from market makers and orders from traders for one or more instruments, "According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method

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of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32) wherein the primary computer is arranged to communicate over a communications link with a secondary site computer located at a secondary site geographically remote from the primary site, the method comprising:

the primary site computer using said information to create deals in said securities, said deals being stored at the primary site computer “According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32);

transmitting from the primary site computer to the secondary site computer replicas of the orders and the deals, but not transmitting from the primary site computer to the secondary site computer replicas of each of the quotes (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7); and

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storing at the secondary site computer replicas of the orders and deals wherein trading of securities is continued at the secondary site in case of a malfunction at the primary site, in which case the market makers and traders are prompted to submit new quotes to the secondary site.

Wang US 6,587,970 B1 fails to explicitly teach receiving and storing said information at the primary site computer.

Kramer US 5,038,284 teaches "The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212." Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

As per claim 8 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a method of claim 7.

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Wang US 6,587,970 B1 further discloses an operator or the secondary site computer using a corrective function and the deals stored at the secondary site computer to update the orders stored at the secondary site computer. (“For example, where the primary host computer 110 fails in a manner in which it is not shutdown in an orderly fashion resulting in a loss of data, the controller 160 can perform additional steps enabling the secondary host computer 120 to utilize a backup copy of data used by the primary host computer 110. That is, rather than using the data of the primary host computer 110 that was replicated in step 230, the controller 160 can utilize different data, such as the most recent known-good backup of data from the primary host computer 110. This data may be resident on other storage devices 135 of the storage system 130, or may be copied from another storage system (not shown) for this purpose.” Wang US 6,587,970 B1 col. 12, lines 12-24)

As per claim 9 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a method of claim 7.

Wang US 6,587,970 B1 further discloses an operator or the secondary site computer makes the determination that there has been a malfunction at the primary site, and that the trading should be continued at the secondary site. (“For example, rather than utilizing relays 170 and 171 to automatically power-off the primary host computer 110 and automatically power-on the secondary host computer 120, one or more of these steps may be performed manually.” Wang US 6,587,970 B1 col. 10, lines 42-46)

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10. Cancelled.

As per claim 11 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a method of claim 7.

Wang US 6,587,970 B1 fails to explicitly teach the replicas stored at the secondary site computer are based on information received at the secondary site directly from the market makers and traders.

Kramer US 5,038,284 teaches "A central computer equipped with communications hardware and specially designed software receives transaction data from personal transaction stations operated by traders" Kramer US 5,038,284 abstract)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include data received from the market makers and traders as taught by Kramer US 5,038,284. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

As per claim 12 (currently amended) Wang US 6,587,970 B1 discloses an automated system for trading in securities, said system comprising:
a primary site including:

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automated means for receiving information from market makers and traders, said information comprising quotes from market makers and orders from traders for at least one instrument “According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32),

automated means for storing said information at the primary site, automated means for creating deals using said received information, “According to a further aspect of the present invention, a method and apparatus for performing electronic commerce is described. In one embodiment, a method of performing electronic commerce includes acts of hosting an electronic commerce site on a first host computer, detecting a change in operation of the electronic commerce site, and automatically configuring a second host computer to host at least a portion of the electronic commerce site on the second host computer in response to the act of detecting.” (Wang US 6,587,970 B1 col. 3, lines 23-32)and automated means for transmitting from the primary site to the automated means located at a secondary site physically separate from the primary site replicas of the orders and the deals (“The backup copy may be a local backup copy (i.e., local to storage system 130), or may be a remote backup copy (i.e., to a storage

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system other than storage system 130).” Wang US 6,587,970 B1 col. 40, lines 15-43),

wherein the automated means for transmitting is configured not to transmit from the primary site to the automated means located at a secondary site replicas of each of the quotes. (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7)

Wang US 6,587,970 B1 fails to explicitly teach an automated means for storing said deals at the primary site.

Kramer US 5,038,284 teaches “The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212.” Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

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As per claim 13 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a system of claim 12.

Wang US 6,587,970 B1 further discloses the secondary site, wherein the secondary site automated means is configured to store replicas of the deals created at the primary site and store replicas only of orders which have not yet resulted in deals. (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7)

As per claim 14 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a system of claim 12.

Wang US 6,587,970 B1 further discloses an automated means for transmitting from the primary site to the secondary site the information on which the replicas at the secondary site are based. (“After shutting down the primary host computer 110 at step 220, the site failover routine proceeds to step 230, wherein the data of the primary host computer 110 is replicated or copied to another storage device 135 of the storage system that can be accessed by the secondary host computer 120.” Wang US 6,587,970 B1 col. 9, lines 37-41)

As per claim 15 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a system of claim 12.

Wang US 6,587,970 B1 further discloses an automated means at the secondary site for receiving information directly from the market makers and traders on which the replicas stored at the secondary site are based. (“For example,

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referring to FIG. 1, the controller 160 can instruct the storage processor 133 to modify the assignment of those storage devices 135 assigned to port adapter 132A so that they are instead assigned to port adapter 132B. With this modification, no data replication is required, and the secondary host computer 120 can directly access the data of the primary host computer 110.” Wang US 6,587,970 B1 col. 12, lines 3-9)

As per claim 16 (currently amended) Wang US 6,587,970 B1 discloses an automated corrective method for use in an automated system for trading in securities, comprising:

passing system information regarding orders from traders and deals for one or more instruments to a secondary site computer located at a secondary site linked to the primary trading site by a communications link(“However, the use of the configurable parameters of the primary host computer 110 by the secondary host computer 120 may prevent access to the secondary host computer 120. This is because the primary and secondary host computers 110, 120 are located in different networks, and most bridges or routers filter or forward packets according to their destination IP or other network address.” Wang US 6,587,970 B1 col. 20, lines 39-45), but not passing from the primary trading site computer to the secondary site computer quotes from market makers for the one or more instruments (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7),

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storing the system information at the secondary site in a memory associated with the secondary site computer (“However, the use of the configurable parameters of the primary host computer 110 by the secondary host computer 120 may prevent access to the secondary host computer 120. This is because the primary and secondary host computers 110, 120 are located in different networks, and most bridges or routers filter or forward packets according to their destination IP or other network address.” Wang US 6,587,970 B1 col. 20, lines 39-45), and the secondary site computer using the deal information passed to the secondary site computer to update the order information stored at the secondary site computer. . (“The replicated data may also be periodically updated, prior to a detected malfunction or failure of the primary host computer 110, to reflect any changes made to the data of the primary host computer 110 during operation.” Wang US 6,587,970 B1 col. 10, lines 58-62)

Wang US 6,587,970 B1 fails to explicitly teach orders from traders and deals for one or more instruments from a primary trading site computer.

Kramer US 5,038,284 teaches “The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212.” Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving

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and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

As per claim 17 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches an automated corrective method of claim 16.

Wang US 6,587,970 B1 further discloses a method being used to monitor the information regarding deals stored at the secondary site computer in order to update the information regarding orders stored at the secondary site computer. ("The replicated data may also be periodically updated, prior to a detected malfunction or failure of the primary host computer 110, to reflect any changes made to the data of the primary host computer 110 during operation." Wang US 6,587,970 B1 col. 10, lines 58-62)

As per claim 18 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches an automated corrective method of claim 16.

Wang US 6,587,970 B1 further discloses that the order information which is passed to the secondary site computer is passed via the deal information stored at the secondary site computer. ("This helps to ensure that data can be quickly accessed by both the primary and secondary host computers 110, 120, as

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different storage devices and adapters are involved in the transfers of data for the different host computers.” Wang, US 6,587,970 B1 col. 35, lines 32-35)

As per claim 19 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches an automated corrective method of claim 16.

Wang US 6,587,970 B1 further discloses that copies of the orders and deals are stored at the secondary site computer, and at defined intervals, said orders are processed against background information associated with said deals. (“The replicated data may also be periodically updated, prior to a detected malfunction or failure of the primary host computer 110, to reflect any changes made to the data of the primary host computer 110 during operation.” Wang US 6,587,970 B1 col. 10, lines 58-62)

As per claim 20 (currently amended) Wang US 6,587,970 B1 discloses a Computer for use in an automated system for trading in securities, in which system information regarding is passed to and stored at a secondary site located remotely from the primary trading site but system information regarding quotes from market makers for the one or more instruments is not passed to and stored at the secondary site (“In other embodiments, only portions of the data of the primary host computer 110 are replicated” Wang US 6,587,970 B1 col. 17, lines 5-7), wherein the computer is configured for operation at the secondary site to use the deal information passed to the secondary site to update the order information stored at the secondary site. (“However, the use of the configurable

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parameters of the primary host computer 110 by the secondary host computer 120 may prevent access to the secondary host computer 120. This is because the primary and secondary host computers 110, 120 are located in different networks, and most bridges or routers filter or forward packets according to their destination IP or other network address.” Wang US 6,587,970 B1 col. 20, lines 39-45)

Wang US 6,587,970 B1 fails to explicitly teach orders from traders and deals for one or more instruments from a primary trading site computer

Kramer US 5,038,284 teaches “The new transaction, as indicated by flow line 210, leads to block 212 which indicates that a posting is made to the primary and backup blotters. This block 212 is also receiving indications from transaction block 196 via line 214. These regular transactions are also posted to the primary and backup blotters as indicated by block 212.” Kramer US 5,038,284, col. 13, lines 63-67)

It would have been obvious to one of ordinary skill in the art at the time of the invention to expand the method of Wang US 6,587,970 B1 to include receiving and storing external information as taught by Kramer US 5,038,284,. One of ordinary skill in the art at the time of the invention would have been motivated to expand the method of Wang US 6,587,970 B1 in this way in order to enable the hosting of an electronic commerce site (see at least col. 3, lines 27-28 of Wang US 6,587,970 B1)

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As per claim 21 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a computer of claim 20.

Wang US 6,587,970 B1 further discloses a computer configured to monitor the information regarding deals stored at the secondary site in order to update the information regarding orders stored at the secondary site. ("The replicated data may also be periodically updated, prior to a detected malfunction or failure of the primary host computer 110, to reflect any changes made to the data of the primary host computer 110 during operation." Wang US 6,587,970 B1 col. 10, lines 58-62)

As per claim 22 (previously presented) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a computer of claim 20.

Wang US 6,587,970 B1 further discloses that the order information is provided to the secondary site via the deal information stored at the secondary site. ("This helps to ensure that data can be quickly accessed by both the primary and secondary host computers 110, 120, as different storage devices and adapters are involved in the transfers of data for the different host computers." Wang, US 6,587,970 B1 col. 35, lines 32-35)

As per claim 23 (currently amended) Wang US 6,587,970 B1 in view of Kramer US 5,038,284 teaches a computer of claim 20.

Wang US 6,587,970 B1 further discloses a computer configured to store copies of the orders and deals at the secondary site, and at defined intervals, process

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the orders against background information associated with the deals. ("The replicated data may also be periodically updated, prior to a detected malfunction or failure of the primary host computer 110, to reflect any changes made to the data of the primary host computer 110 during operation." Wang US 6,587,970 B1 col. 10, lines 58-62)

24-29. Canceled.

Conclusion

6. **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald C. Vizvary whose telephone number is 571-270-3268. The examiner can normally be reached on Monday thru Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Abdi Kambiz can be reached on 571-272-6702. The fax phone number for the organization where this application or proceeding is assigned is 571-270-4268.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Thomas Dixon/
Primary Examiner, Art Unit 3684

Gerald Vizvary
Patent Examiner, A.U. 3684
November 9, 2010